

Summary of Conclusions Management Board meeting 22 March 2018

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Press release: EA to allow surface water management variation at Preston New Rd

Permission to vary arrangements for the management of surface water drainage at Cuadrilla's Preston New Road site in Little Plumpton have today (01 May) been granted by the Environment Agency.

The decision follows a rigorous assessment of Cuadrilla's proposals, as well as all comments submitted during a public consultation.

Cuadrilla is required to remove and process rainwater that falls on its Preston New Road site and the variation to the permit sets out the conditions that must be followed in order to manage this process.

Steve Molyneux, environment manager for Lancashire, said:

After completing a thorough assessment of Cuadrilla's application and all of the responses to our public consultation, we are satisfied that the regulatory controls in place provide a high level of protection for people and the environment.

My team will now enforce the conditions we have set to ensure the ongoing protection of the local water courses.

Fisheries owner fined after putting workers and the public at risk

The owner of a local fisheries site has been fined for failing to secure the boundary of a new build local fisheries site whilst under construction.

Manchester Magistrates' Court heard how Michael Simpson, who directed operations at the site known as Cheshire Oaks Fisheries, had received a £72,000 grant towards the development of a fisheries site in Backford, Cheshire. The Rural Payments Agency, who monitored the grant scheme, had visited the site in 2015 and identified a number of risks including those to the public. Open gates and entry points with a lack of suitable and sufficient fencing to the site provided easy access to excavated lakes, some containing deep water, coupled with unsecure heavy plant machinery, were just some of the many poor standards found at site.

On 14 July 2015, HSE visited the site after the concern was raised and several enforcement notices were issued. Shortly after this visit, the company changed its name from Cheshire Oaks Fisheries Ltd to Rural Development Programme Limited despite Michael Simpson still directing work at the site. Written correspondence from HSE for a re-visit was ignored and entry through the main site gates was refused once additional security measures had finally been put in place, some four years after work commenced.

An investigation by the Health and Safety Executive (HSE), found Michael Simpson had failed to put in place the necessary control measures and failed to manage safe working practice effectively during the construction phase thus putting not only workers at risk, but members of the public also.

Michael Simpson of, Ellesmere Port, Cheshire, was prosecuted under Section 37 and pled guilty to breaching Section 3(1) and 33(1) of the Health and Safety at Work Act 1974 and has been fined £594 and ordered to pay costs of £10,209.

Speaking after the hearing, HSE inspector Phil Redman said: "The defendant in this case failed to protect his workers and members of the public from risk. Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [hse.gov.uk](https://www.hse.gov.uk)^[1]
2. More about the legislation referred to in this case can be found at:

Construction company fined after death of worker

Tonic Construction Ltd has been fined following the death of Shaun Carter.


Cheltenham Magistrates' Court heard how the employee of Tonic Construction Ltd was driving a forward tipping dumper on Tuesday 31st May 2016 onto the top of a spoil heap. The dumper became stuck on the edge of the spoil heap, and when Mr. Carter jumped off the vehicle, it flipped over striking Mr. Carter who sustained serious head injuries which he died from at the scene.

An investigation by the Health and Safety Executive (HSE) into the incident found that it was practice on this and other sites for dumpers to access spoil heaps with no barriers to prevent over-running. To compound the situation, an excavator had removed some of this particular spoil heap creating a sheer face.

Tonic Construction Ltd pleaded guilty to breaching Regulation 2 (1) of The Health and Safety at Work Act 1974 and have been fined £200,000 plus a victim surcharge of £170 and ordered to pay costs of £5565.80.

Speaking after the hearing HSE inspector Sue Adsett said: "Risks associated with the creation of spoil heaps had not been suitably and sufficiently assessed. Either the company should have decided on a safer method which avoided the need for the dumper to access spoil heaps (as they have done after the accident), or they should have introduced stricter management arrangements which would have included bunds at a safe distance from the edge."

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2. More about the legislation referred to in this case can be found at: legislation.gov.uk/  ^[2]
3. HSE news releases are available at <http://press.hse.gov.uk>

Journalists should approach HSE press office with any queries on regional

press releases.